

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of

Amendment of Part 97 of the
Commission's Amateur
Service Rules

WT Docket 04-140

To: The Federal Communications Commission:

COMMENTS OF: The Puerto Rico Amateur Radio League, Inc.

I. INTRODUCTION -

I, Victor Madera-KP4PQ, on behalf of the Puerto Rico Amateur Radio League, Inc. file these comments on May 25, 2004 on the FCC's Notice of Proposed Rulemaking, WT Docket No. 04-140.

The Puerto Rico Amateur Radio League, Inc. is a non-profit organization composed of radio amateurs dedicated to serve and honor Amateur Radio. The PRARL represents a large number of amateurs residing in Puerto Rico and other countries. Our main interest is to promote and maintain the Amateur Radio Service. For the past 14 years we have taught special courses to properly prepare candidates to obtain an FCC license. We also have promoted and coordinated monthly (and more recently Bi-Weekly) testing sessions in Puerto Rico since the introduction of the VEC program. During these 14 years, the PRARL VE Team has examined more than 1600 candidates. The writer is a licensed amateur since 1951.

We have no comments on any the proposed changes except those related to the VEC system and its testing requirements as follows:

Our comments are based on the fact that VE Amateur Radio Testing is not a business; it is a voluntary service offered by professional radio operators without pecuniary interests willing to spend a reasonable amount of time in supervising testing sessions. Time saving vs. lack of control should not be an issue. Amateur Radio has proven to be a National Resource for our country and therefore rulemaking decisions should be valued on these circumstances and not on the normal business or industrial environment.

The quality of amateur radio operators greatly depend on proper testing and reliable control of the administrative procedures. As an example and in order to clarify our position, the reduction or lack of sound controls of the administrative procedures for the Volunteer Examiner Program have, in more than one instance, demonstrated the introduction of incompetent persons in the VE program resulting in the compromise of examinations and the creation of personal lucrative activities to VEs. The community of amateur radio operators has suffered irreparable damages.¹

¹ We want to respectfully remind the Commission that in 1998 more than 100 accredited VEs were removed from service in Puerto Rico by their own VEC because he had a “lack of confidence in the integrity of the program”. In most cases those VEs were the results of instant or automatic accreditation. No action was taken by the VEC after 15 years of warnings and complaints. Final action was taken after the Amateur community was seriously damaged by “improper” testing.

We do not agree with the following proposed changes:

1. The elimination of the public announcement of VE test locations and times.

The “unannounced” testing sessions promote wrong doing. We do not see any reason or advantage to the elimination of the requirement. It is our experience that the unannounced sessions were the main source of “irregular testing”.² Also, the lack of announcement may prevent candidates to take advantage of an examination session.

2. The elimination of the mandated ten-day submission of applications.

So far all VEs and VECs have complied with this requirement without any complaint. The elimination opens the system to delays which may expose candidates to long waits for their license. We respectfully recommend that if the Commission thinks this requirement is not proper, to extend it as necessary maintaining a reasonable time limit. In the Internet era, there is no reason to extend the submission time.

3. The examination credit proposed for Technicians who have passed the telegraphy examination, etc. {§97.505(a)(9)}.

This proposed change is acceptable but the Commission should clearly specify what is considered as a “document showing they have passed a

² During the 1998 licensing fiasco, one of the agreements with the VECs was that no sessions would be allowed without previous announcement.

telegraphy examinations element”. We recommend the numbering of the accepted documents while not recommending an “open” definition.

II. VEC QUALIFICATIONS –

§ 97.521-We do not believe that the fact that VECs will work more, or less, is a valid reason for changing. VEs are volunteers and are willing to work in order to maintain a fair, reliable and honest testing system. The changes should be considered in the light of fairness and standardization and not on convenience and time and effort saving. For the past 14 years, the PRARL VE Team members have not retained the test fee portion as permitted for any applicant served. We understand being a VE is voluntary and that we are promoting Amateur Radio by providing this service. All collected fees are sent to the ARRL/VEC, an organization we understand meets the criteria we are proposing below for VEC Qualifications.

We propose the following changes

§ 97.521 VEC Qualifications

No organization... (no changes)

(a) Be a “bonafide” non-profit organization administered by a recognized Amateur Radio Club, Society, League or group of amateurs without pecuniary interest.³

³ It was clearly demonstrated that the VEC organization did not scrutinized the VE candidates properly nor audit their operation since many of the accredited VEs involved were dead, out of the country or non- existing. More than once the VEC officials were notified of the problem and no effort to correct the problem or even investigate were evident. When Testing becomes a business, profit comes before integrity.

- (b) Be capable... (no changes)
- (c) Agree to coordinate... (no changes)
- (d) Agree to assure that, ... (no changes)

§ 97.525 Accrediting VEs

(a) No VEC may accredit a person as a VE if:

- (1) The person does not... (no change)
- (2) The FCC does not... (no change)
- (3) The VEC determines that the person ...
- (4) The VEC determines that questions...

(b) Each VEC must seek ...

(c) Automatic or instant VE accreditation is not permitted. VEC must ensure that all candidates are scrutinized thoroughly before they are accredited. VEs that have been discontinued from service as VEs for any reason shall never be considered for future accreditation.

III. DISTRIBUTION OF VE REQUIREMENTS-

With the proposed license changes, the following VE distribution is proposed:

1. “Amateur Extra” or “Class A” (VEs) licensees will be authorized to test all candidates requesting a “Technician”, “General” or “Amateur Extra” license.
-

2. “Advanced”, “General”, “Technician”, “Novice” or “Class C” licensees will not be authorized to test.

IV. WRITTEN EXAMINATION REQUIREMENTS -

We propose that the present examination process be maintained.

V. ENFORCEMENT IN THE AMATEUR RADIO SERVICE -

We have noticed a great improvement in the compliance enforcement aspects of Part 97. All efforts appear to be directed to interference or illegal operation practices. We propose that the Commission put more attention on the proper testing procedures and the integrity of the testing personnel. The FCC should put the burden of proof on integrity on the VEC and not on the individual VE or the amateur community.

The VEC program introduced in late 1982 was an excellent replacement for the FCC conventional testing. It simplified the system, reduced manpower and paper processing and saved our government significant funds. As designed, it was an excellent means of maintaining a simple mechanism capable of expanding testing facilities. Today it is known to many that there are significant exceptions to the rule and in numerous instances the integrity of the sessions have been compromised. The Commission should review the selection/testing procedures to ascertain that VECs and VEs comply with the necessary procedures of honesty

and integrity. We strongly believe that if the Commission implements the “random retesting” procedure (§97.519 (d)(1)(2)(3), most of the improper

certifications will be eliminated and the integrity of the testing will be greatly improved.⁴

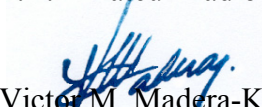
We propose that the FCC forcefully requires that:

1. All VECs improve the procedures by which VE candidates are selected. VECs are made responsible for a reliable auditing system to ensure and maintain the integrity level of VEs.
2. The VE certification process is revised to consider “VE Teams” instead of individual VEs organizing testing sessions.⁵
3. The Commission enforces Part 97.519 (3)(d)(1), (2), and (3). A formal retesting program is instituted where the Commission will, at random, select candidates for retesting as a regular procedure.
4. No retesting is permitted in any one VE session. Permitting unlimited re-tests in a session makes the passing of an examination element a matter of luck and not knowledge of the material.
5. Make VECs be prepared to have special VEs available to the FCC for retesting sessions at no expense to the FCC.

⁴ The Compliance Office of the FCC requested recently the retesting of a large number of amateur operators by “other than the original VEC organization” or the FCC, and nearly 100% of the candidates did not show for retest thereby losing their licenses.

6. The Amateur Auxiliary should not be considered as part of the enforcement efforts unless it is vested with the proper legal power. The FCC should be totally responsible for proper compliance.

Respectfully submitted,
P.R. Amateur Radio League, Inc.



Victor M. Madera-KP4PQ
PO Box 191917
San Juan, P.R. 00919
Submitted: June 7th, 2004

⁵ For nearly 10 years the VEs under the ARRL/VEC eliminated individual testing groups and implemented a “team” system. After offering hundreds of Elements the reliability and integrity of the group has prevailed and no examinations have been compromised.